

**Senate Select Committee on School Safety Hearing on  
“Sexual Orientation, Gender Identity Discrimination and School Safety”  
Plummer Park- Fiesta Hall, West Hollywood  
October 3, 2002**

**Testimony of Carolyn Laub,  
Founder and Executive Director, Gay-Straight Alliance Network**

My name is Carolyn Laub. I am the Founder and Executive Director of Gay-Straight Alliance Network, a youth-led organization that empowers youth to fight homophobia in California schools through Gay-Straight Alliance (GSA) clubs. There are currently 250 GSAs in public high schools in California registered with our network. In the past 3 years, GSA Network has educated over 1,000 youth across the state about their right to be protected from discrimination based on sexual orientation and gender identity under the California Student Safety and Violence Prevention Act of 2000 (AB 537). Through our “Make It Real” Project, we are training youth how to ensure that the law is made real, through its full implementation in California public schools.

In the course of our youth trainings around the state, we have received disturbing feedback from students about problems with the complaint process. Most students do not receive sufficient notice from their schools about the non-discrimination policies and the right to file a complaint. Even after learning about the right to file a complaint if harassed because of actual or perceived sexual orientation or gender identity, most students we’ve worked with tell us they do not feel safe enough to do so. They fear retaliation from whoever harassed them. They are afraid that if they’d fought back against their attackers, they will be suspended and nothing will be changed about their school climate to prevent future incidents. Despite the often horrific and very serious nature of the abuse they have suffered, students fear their complaint will simply not be taken seriously, particularly if the school has a poor track record of responding to incidents or has yet to implement policies or programs designed to prevent harassment and discrimination based on sexual orientation or gender identity.

Many students who report harassment are routinely treated as the problem. Student complainants may be told that they brought the harassment on themselves by their behavior or appearance. Instead of remedying the problem, a student complainant may be transferred to a different school site or into an independent study program and told this is the only way a school can keep them safe. In the case of one student from Visalia, George Loomis, he was moved out of his regular high school when he complained of ongoing anti-gay harassment from a teacher – and his educational achievement was severely compromised as a result. Along with GSA Network as a co-plaintiff, George brought a lawsuit against Visalia Unified School District. A settlement resulted in \$130,000 and a 3-year consent decree ordering Visalia Unified to enact comprehensive school reforms, which improve the school district’s policies on harassment and response to complaints, institute “Student Safety Coordinators” at every school site, and put in place mandatory student and staff trainings designed to prevent harassment and discrimination. But without clearer guidelines from the state and support for model programs with compliance officers at the school site level, the problem will persist in other districts and we can expect to see more costly lawsuits.

Additionally, many students fear that by filing a complaint they will be “outed” to their parents. And their fears are justified. School administrators routinely call parents or guardians when a student reports being harassed at school – but in the case of sexual orientation or gender identity based harassment, this can put the student at risk for further harm. Upon learning of their child’s actual or perceived sexual orientation, there are some parents who throw their child out of the home, verbally abuse or beat them. California regulations on the Uniform Complaint Procedures leave confidentiality to the discretion of school administrators and provide no guidance on how to handle complaints of a sensitive nature.

Without the guarantee of a safe, confidential, and effective reporting process, students who are the victims of sexual orientation and gender identity based discrimination and harassment are unable to access an appropriate remedy; and thus, the very purpose and intent of AB 537 is thwarted.

It’s no wonder that students don’t report incidents of harassment and discrimination. And with such massive underreporting of the daily harassment and violence on our school campuses, it is also no wonder that many school administrators deny there is a problem with anti-gay harassment at their schools and see no reason to implement sensitivity trainings for their staff or students.

If no administrator at Clovis High School knew that Sarah was beaten and raped in the bathroom because she is a lesbian, then it is no surprise that school administrators were reluctant to support Gay-Straight Alliance clubs or teacher trainings on LGBT issues.

Segregation into independent study, violation of students’ confidentiality, and suspension. These are not the solutions to our pervasive problem of harassment and discrimination in our schools. These solutions blame the victim and can re-victimize students by exposing them to further abuse at home or denying them access to the educational opportunities every child deserves. And they are not in keeping with the legislature’s intent when it passed AB 537.

Based on GSA Network’s extensive experience training California students about AB 537, we have identified several key recommendations for this Committee, which will serve to improve the complaint process. First, the Uniform Complaint Procedures regulations need to be updated to reflect AB 537 and AB 499, which modified the state non-discrimination policy and the complaint process. Additionally, when these regulations are revised, further guidance should be provided about protecting the confidentiality of student complainants, including confidentiality from their parents. We recommend that the legislature mandate and provide funding to set up a more comprehensive complaint system with guidance on how complaints should be handled and remedied quickly at the local level. Furthermore, we need the state to mandate and fund school-based programs that prevent harassment and discrimination and improve school climates.

Thank you.